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Attorneys for Defendant
Kiarash Jam and Integrated Administration, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

THE WIMBLEDON FUND, SPC (CLASS
TT),

Plaintiff,

v.

GRAYBOX, LLC; INTEGRATED
ADMINISTRATION; EUGENE SCHER,
AS TRUSTEE OF BERGSTEIN TRUST;
CASCADE TECHNOLOGIES CORP.,
and THE LAW OFFICES OF HENRY N.
JANNOL,

Defendants.

THE WIMBLEDON FUND, SPC (CLASS
TT),

Plaintiff,

C.D. Cal. Consolidated Case No.
2:15-cv-6633-CAS-AJWx
Honorable Christina A. Snyder

**DECLARATION OF DEFENDANT
KIARASH JAM IN SUPPORT OF HIS
MOTION FOR SUMMARY JUDGMENT**

Hearing Date: May 13, 2019
Time: 10:00 a.m.
Courtroom: 8D

1 v.

2 DAVID BERGSTEIN; JEROME
3 SWARTZ; AARON GRUNFELD; and
4 KIARASH JAM.,

5 Defendants.

6
7 AND CONSOLIDATED ACTIONS AND
8 RELATED THIRD-PARTY ACTIONS.
9

10
11 **DECLARATION OF KIARASH JAM**

12 I, Kiarash Jam, declare:

13 1. I am a Defendant in this matter. I have personal knowledge of the following
14 and, if called to do so, I could competently testify thereto.

15 2. I have never owned any shares of Swartz IP Services Group, Inc., a/k/a IP
16 Advisory Services ("SIP") and no SIP share certificate has ever been issued to me or
17 received by me or any entity which I own or control.

18 3. I had no involvement in the negotiation of Plaintiff The Wimbledon Fund,
19 SPC (Class TT)'s ("Wimbledon") investment of \$17.7 million into SIP in and around
20 November 2011, which was solely negotiated by prior co-defendant David Bergstein
21 ("Bergstein") on behalf of SIP.

22 4. I am aware that that Wimbledon's investment into SIP was memorialized in a
23 Note Purchase Agreement ("NPA") and "Reference Notes," which Bergstein instructed
24 me to sign as "Vice President" of SIP, which I did on or around November 15, 2011.

25 5. Bergstein also instructed me to execute a "Side Letter" dated November 17,
26 2011 on SIP's behalf (but not as Vice President) addressed to Keith Wellner at Weston
27 Capital Asset Management, LLC ("Weston"), which I did.

28 6. I was accustomed to signing documents for Bergstein, whom I trusted, and

1 which I believed numerous attorneys had reviewed and vetted, as he (as well as agents of
2 Weston) often instructed me to sign various documents relating to Bergstein's numerous
3 deals.

4 7. I did not read or understand the lengthy SIP NPA, Reference Notes, or Side
5 Letter. I quickly signed and scanned them upon receiving Bergstein's request to sign
6 them.

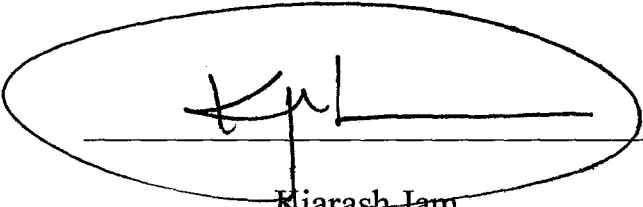
7 8. I was not a signatory to, nor had any control over or access to any of SIP's
8 bank accounts, including the Deutsche Bank account into which Wimbledon funds were
9 transferred, which were solely under the control of Bergstein acting personally or through
10 his assistant, Frymi Biedak. I never made any decisions on behalf of SIP and anything I
11 did in connection with SIP was at Bergstein's direction.

12 9. Bergstein instructed me to sign an affidavit as an officer of SIP regarding
13 service of the complaint in a New York state court case filed by Wimbledon on June 22,
14 2013, which I did.

15 10. I did not learn of the details and terms of the Settlement Agreement
16 Bergstein had entered into with Wimbledon on behalf of SIP until in and around February
17 2018 when it was presented as evidence in Bergstein's criminal trial, even though it was
18 entered into by Bergstein, SIP and a Bergstein entity, Graybox, LLC ("Graybox") several
19 months earlier. I had never seen until after it was produced in his criminal trial. It was
20 shocking to learn that every other party was released except for myself and Integrated
21 Administration, especially as my prior counsel who was also a co-defendant and was by
22 the Settlement Agreement himself, had been, without informing me.

23 I declare under penalty of perjury that the foregoing is true and correct.
24 Executed at Los Angeles, California.

25
26 Dated: April 10, 2019

27
28 
Kiarash Jam

CERTIFICATE OF SERVICE

I, Danielle Dragotta, an employee of the Law Office of David W. Wiechert, located at 27136 Paseo Espada, Suite B1123, San Juan Capistrano, declare under penalty and perjury that I am over the age of eighteen (18) and not a party to the above-entitled proceeding.

On April 10, 2019, I served the forgoing documents, described as
**DECLARATION OF DEFENDANT KIARASH JAM IN SUPPORT OF HIS
MOTION FOR SUMMARY JUDGMENT** on all interested parties as follows:

☐ **BY MAIL:** I caused such envelope(s) to be deposited in the mail at San Clemente, California with postage thereon fully prepaid to the office of the addressee(s) as indicated on the attached service list. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☒ **BY E-MAIL:** I caused a copy to be transmitted electronically by filing the foregoing with the clerk of the District Court using its ECF system, which electronically notifies counsel for the parties.

☐ **BY PERSONAL SERVICE:** I personally delivered the document listed above to the persons at the address set forth below.

☒ **FEDERAL:** I declare that I am employed in the office of a member of the Bar of this court at whose direction the service was made.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 10, 2019, at San Juan Capistrano, California.

/s/Danielle Dragotta
Danielle Dragotta